

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

Case No. 1:23-cv-00853-DAE

**PLAINTIFF UNITED STATES' UNOPPOSED MOTION TO MODIFY DEADLINE FOR
SUBMITTING PROPOSED FINDINGS AND CONCLUSIONS**

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Dated: August 14, 2024

Counsel for the United States of America

Plaintiff the United States of America hereby moves, without opposition, to modify the Court's order dated August 6, 2024 (ECF 214) by altering the deadline for each party to submit proposed findings of fact and conclusions of law from Tuesday, October 8, 2024, to Thursday, October 24, 2024. In support of this motion, the United States asserts the following:

1. On August 6, 2024, the Court reset the bench trial and established or revised related deadlines. The following deadlines are most significant to this motion: (a) September 20, 2024, for each party to file a brief of no more than 35 pages, addressing the effect of the Fifth Circuit's en banc opinion of July 30, 2024, *see* Aug. 6, 2024 Tr. at 12-17 (ECF 217); (b) October 8, 2024, for each party to file proposed findings of fact and conclusions of law, ECF 214 at 1; and (c) November 7, 2024, to commence trial, *id.*

2. The United States respectfully submits that a later deadline for proposed findings of fact and conclusions of law—October 24, 2024—would be beneficial both to the Court and to the parties. It would provide a longer interval for the Court to render any determination that it may reach after consideration of the September 20 briefs. Likewise, it would provide more time for the parties to take into account any such determination in preparing their proposed findings and conclusions.

3. October 24 is two weeks prior to the re-set date for commencing trial, which matches the approach the Court used in its original trial scheduling order. Thus, it is a reasonable deadline by which to file proposed findings and conclusions. *See* ECF 73 (ordering that proposed findings and conclusions be filed by March 5, 2024, for a trial then set to commence on March 19, 2024).

4. The United States does not seek, by this motion, to change any other filing deadline, nor to change the date for commencing trial. Thus, granting this motion would not delay the final resolution of this case, nor would it prejudice either party in any other manner.

5. For the above reasons, the United States requests that the Court grant this motion and modify its August 6 order to make proposed findings and conclusions due on October 24, 2024. A proposed order granting such relief is attached.

Respectfully submitted,

Dated: August 14, 2024

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CERTIFICATE OF CONFERENCE

Pursuant to W.D. Tex. Rule CV-7(G), I certify that on August 13, 2024, counsel for the United States advised counsel for Texas of its intent to file this motion and gave Texas a summary of the bases for its motion. Counsel for Texas responded that Texas will not join this motion but will not oppose it.

CERTIFICATE OF SERVICE

I certify that on August 14, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system.

/s/ Brian H. Lynk
Brian H. Lynk